

Introducing a Bill to Enhance the Safety of Commercial Space Flight

THE HONORABLE JAMES L. OBERSTAR
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
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Mr. Speaker, today I have introduced a bill to enhance the safety of commercial passenger space flight by ensuring that the Federal Aviation Administration (FAA) has the authority it needs to protect the safety of passengers in this emerging commercial space industry.

Mr. Speaker, I support commercial space exploration and the commercial space industry, but not at the expense of totally ignoring safety. The *Commercial Space Launch Amendments Act of 2004*, P.L. 108-492, prohibits the Secretary of Transportation from issuing safety design and operating regulations or even **minimal** safety requirements for individual licenses for the next eight years unless there is a potentially catastrophic incident.

The current statutory language amounts to, in essence, the codification of what has come to be known in aviation safety parlance as the “Tombstone Mentality.” For years, both I and many of my colleagues on the Aviation Subcommittee have criticized the FAA for waiting until after a disaster to take

safety actions, and have urged upon the FAA a more proactive safety oversight role.

Supporters of the *Commercial Space Launch Amendments Act* argued that safety regulation would discourage experimentation and innovation. However, the Act went well beyond these objectives and essentially tied FAA's hands by totally banning any safety requirements, except in post-accident circumstances where lives have already been lost. Under the Act, the FAA would be prevented from requiring even the simplest, least expensive enhancements to protect safety of passengers on these space flights.

Mr. Speaker, my bill would amend the *Commercial Space Launch Amendments Act* to give the FAA the authority and flexibility to establish minimum safety regulations. This safety authority would not preclude innovation nor, contrary to the claims of supporters of the Act, would not require FAA to impose the same degree of regulation on the developing space travel industry that is imposed on the mature air transportation industry. Specifically, although this bill would require that FAA include, in each license it issues, minimum standards to protect the health and safety of crews and space flight participants, it would further require, in imposing these standards, FAA to take into account the "inherently risky nature of human space flight." My

bill would give the FAA the flexibility to create a regulatory structure governing the design or operation of a launch vehicle to protect the health and safety of crews and space flight participants as is necessary, without having to wait for a catastrophic failure to occur.

Mr. Speaker, safety regulation need not be incompatible with developing new technology. For example, although FAA has closely regulated aircraft manufacturing since the 1920's, this regulation has not prevented major technological progress, including the development of jet aircraft in the 1950's and all-composite general aviation aircraft in recent years.

We can and should protect the safety of passengers on space flights in this new and emerging industry, without placing unreasonable limitations on the development of commercial passenger space travel. I urge my colleagues to join me in working to pass this important legislation.